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ADOPTION OF THE REPORT OF THE COMMITTEE
ON ITS FOURTEENTH SESSION

Draft report

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Addendum

V. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Second, third and fourth periodic reports

Tunisia

1. The Committee considered the combined initial and second reports of Tunisia (CEDAW/C/TUN/1-2) at its 269th and 273rd meetings, on 23 and 26 January 1995 (see CEDAW/C/SR.269 and 273).

2. In introducing the report, the representative of Tunisia, emphasized the important changes that had occurred in 1987, which asserted women's fundamental rights and promoted their economic and social status. The first accomplishment after Tunisia's independence was the adoption of the Personal Status Code, which laid the foundations for a new organization of the family, based on legal equality of men and women. Tunisia had a long history of women's emancipation, which led in 1936 to the creation of its first women's organization. The Tunisian leaders adopted a dynamic interpretation of Islam, and since 1956, Tunisian legislation had gradually been establishing the conditions necessary for women's equal status in the political, economic and social life. This new vision of society had been widely disseminated and had gradually been adopted by women. Equality of opportunity was beginning to emerge and was given considerable impetus through new women's organizations.

3. The representative stressed that in a society such as that of her country, women's freedom and their rights as citizens remained vulnerable, and must be continually reinforced. Among the mechanisms created to achieve that end was the Ministry of Women's and Family Affairs, the Research, Documentation and Information Centre and the National Women and Development Commission. Women had been appointed to high-level political posts and a series of legislative reforms had been sought to remove any archaic elements remaining from the past. The new vision of the family had been built on the principle of partnership between the spouses. The most important amendments referred to the Personal Status Code, the Penal Code and the Labour Code, and thus women currently entered more fully into the era of human rights. The greater involvement of women in the informal sector had also been able to limit the negative effects of the structural adjustment plan.

4. The representative illustrated, through concrete figures, the advances made by women in many professions, in decision-making positions and in schooling, thanks to the policies of universal education, health and family planning. Since 1956, Tunisian legislation had been modelling a new society within the framework of modern Islam, gradually abandoning the static models of thought inherited from traditional society, and the Tunisian society of today was concerned with following the principles of religion without sacrificing progress. Major concerns were illiteracy and the resurgence of backward models under the influence of current fundamentalism. Tunisia was aware that it could not successfully embark upon the twenty-first century without allowing an irreversible involvement of women in its development policy.

General observations

5. The Committee commended the well-structured and comprehensive report, supplemented by extensive statistical data, and its frank and succinct presentation and expressed appreciation for the fact that the Minister for Women's and Family Affairs herself had introduced the report. Bearing in mind Tunisia's geo-political environment, it paid tribute to the big strides made by the country for the advancement and empowerment of women and stated that Tunisia could be considered, even since the 1950s, as a shining example for other countries, because of its progressive and programmative interpretation of Islam. The members emphasized the adoption of the Personal Status Code in 1956 and all the reforms it brought about. However, they expressed concern at the reservations entered concerning articles 9 and 16, and in particular, at the language of the general declaration and the declaration made with regard to article 15, which seemed to close the door on any future revisions of national legislation. They expressed the hope that the reservations and declarations would be withdrawn in the near future. In replying, the representative said that Tunisia had not entered any reservations regarding other international treaties dealing with the status of women. The Convention had been ratified in a particular socio-political context, which was marked by rising fundamentalism, conservative traditions and related issues. Although the political vision was enlightened and most of the provisions of the Convention were already being applied in the country, the specificities of internal law should not be denied. The general declaration, however, did in no way intend to detract from the Government's commitment to the Convention. It was only made to explain the reservations entered. Since ratification many legal reforms had been introduced

in favour of women, which showed that the country was slowly but surely moving towards gender equality, and the reservations would certainly be withdrawn before not too long.

6. While recognizing the efforts undertaken by the Government in the area of education, members were concerned at the high rate of illiteracy among girls between the ages of 14 and 24, at the low level of the participation of women in political decision-making despite substantive gains made in legal equality and at the current provisions regarding women's inheritance rights. They stated that Tunisia had not yet succeeded in filling the gap between the elite and the broader sectors of the society. While praising all the rights given to women, further information was requested on the de facto situation of women and on steps taken by the Government to protect the rights of individual women, irrespective of their family status. In reply, the representative stated that a general policy of emancipation and faith in the human being was the driving principle for all political action, and the measures taken by the President in 1992 marked a certain dynamism in the women's movement. The participation of women at the last elections had been four times higher than in the past and the President emphasized in his statements that women should take advantage of the opportunities provided to them by democracy to develop further their achievements. Women's rights were fundamental rights, which benefited women irrespective of their family status. At the same time, while the family needed to be preserved, decision-making in the family needed to be shared by women and men. A study had been made on the issue.

7. Referring to pressure exercised by religious extremist groups in neighbouring countries and to questions raised as to whether there was any long-term plan that would guarantee women their full democratic rights and avoid any set-backs and whether Tunisia was collaborating with other Islamic countries in that respect, the representative replied that, in Tunisia, democracy was a process based on the principle that its conditions were fulfilled and that human rights encompassed also economic and social rights. Political liberty was meaningless without economic independence. She said that the terrorists who denied women their rights were also inveterated enemies of human rights in general, and democracy must defend itself against those forces. Yet Tunisia could not remain isolated in following the right path and other countries should follow that example.

8. In making an additional comment, a member inquired whether Tunisia was intending to introduce women's issues into the Organization of the Islamic Conference.

Article 3

9. Members inquired through which means the national mechanism for the advancement of women was implementing its policies at the regional level, what its financial resources were and which steps were being taken to involve more women in the mainstream of the society.

Article 5

10. Members praised efforts made to correct stereotypes through presenting a more positive image of women in school textbooks and through human rights education. Further information was requested on violence against women of any kind, i.e., domestic violence, rape, sexual harassment at the work place, violence against female prisoners, in particular political prisoners, violence against prostitutes and any other vulnerable groups, and sexual abuse practised by police officers.

11. The representative explained that the phenomenon of violence against women had only recently become a subject of investigation, and it was difficult to obtain reliable statistical data because the victims only rarely reported such incidents to the competent authorities. So far, only 7 per cent of cases of marital violence had been submitted to the Ministry of Women's and Family Affairs. The subject was no longer taboo and women's associations were carrying out studies and setting up hot-line services for battered women. The results of those efforts would be outlined in the subsequent report. It was equally difficult to obtain trustworthy statistical data on cases of rape and sexual harassment, and only rarely were cases reported. Apart from the important change in the Penal Code regarding conjugal violence, which made rape within marriage a punishable offence, other new measures to deal with the problem were the institution of a family judge, the creation of defence and social integration centres, hot-line services, centres for battered women set up by non-governmental organizations and media campaigns directed at young people. Violence against women was dealt with in the framework of a global national strategy of awareness-raising. In addition to that, the Research Documentation and Information Centre (CREDIF) had issued a little booklet to disseminate the contents of the Convention in the schools.

Article 6

12. Responding to questions regarding health care plans for prostitutes, the representative emphasized that the authorities focused on the health aspect and instituted mandatory medical visits for prostitutes in order to prevent sexually transmitted diseases and human immunodeficiency virus (HIV)/acquired immune deficiency syndrome (AIDS).

13. In reply to questions, the representative explained that regulated prostitution was not banned because it curtailed clandestine prostitution and protected minors from abuses. Clandestine prostitution was severely punished in Tunisia. Replying to a question about the percentage of regulated prostitution, the representative said that it had drastically decreased. Currently only 68 women were registered in Tunis as "regulated prostitutes". The decrease was attributable to the rising living standard, the progressive eradication of poverty and women's entry into the labour force.

14. Replying to questions raised by members about the existence of child prostitution and trafficking in women, the representative stated that neither of the two had ever existed in Tunisia despite rising tourism. Asked about measures to prevent minors from engaging in prostitution the representative said

that it was banned by law. Judges could decide to place delinquent minors in special centres in order to prepare them for their reintegration into society.

15. Further questions referred to the social reintegration of prostitutes, and to the protection of the rights of female prostitutes in practice. Members requested detailed statistical data in the subsequent report and asked whether the current legislation was not discriminatory in that it made a distinction between female prostitutes and their male clients.

Article 7

16. Asked about measures taken to change women's approach to political life and to encourage girls to alter their views on political matters, the representative stated that the Ministry of Women's and Family Affairs had set up an evaluation campaign to assess the impact of development projects on women. The Ministry was also planning to set up several plans of action, such as one aimed at rural women and another that focused on better time sharing by women between professional and household tasks, and was conducting several communication and information campaigns. The Ministry was assisted in its efforts by the National Council for Women and the Family and non-governmental organizations.

17. Members wanted to know how the Government was coping with the apparent resistance by men to institutionalizing women's integration in political life. The representative said that although some men had shown resistance, it was gradually waning because of women's outstanding competence and devotion, and at the last elections a woman had scored highest in the main party. More and more women had become visible at lower political levels and sensitization campaigns should help women in gaining more votes.

18. As members noted that women did not seem to be represented in trade unions nor in banking institutions, the representative said that presently a national women's commission consisting of coopted members participated actively in the elaboration of an activity programme for trade unions.

Article 9

19. When asked why women were given unequal treatment where the transmission of nationality to alien spouses and to their children was concerned and whether the National Women and Development Commission was taking any steps to remove these differentials, the representative said that the inequality had been softened as a result of the amendment of article 12 of the Nationality Code in July 1993. Currently the transfer of nationality still required the consent of both spouses. It was to be hoped that the reservation in this article could be lifted in the near future.

20. Members also inquired what was being done to disseminate information on the legal rights of women to the public at large.

Article 10

21. Members commended the Government for the particular attention to education and for dedicating to it as much as 10 per cent of the State budget. They

praised the strides made in increasing the enrolment level of girls in secondary schools. They noted, however, a high concentration of girls in traditional female fields of education and a tendency of female students to embark on careers that were financially less rewarding. They asked whether there was a particular preference for girls to follow the traditional female paths and whether there were any plans to encourage them to break into non-traditional, so-called "men's fields". Asked whether school curricula might be responsible for that fact, the representative stated that schoolbooks did not allow for any discrimination. However, girls appeared to choose economics more frequently than industrial vocations, and arts and literature over mathematics and science. Girls' options were also determined by the current labour market, which was still dominated by certain stereotypes. The educational reform introduced new school orientations. Another innovation was the introduction of human rights education at primary and secondary level. Other measures in that direction were national seminars and annual campaigns, orientation courses for parents and their children and pilot projects to encourage girls to take technical subjects.

22. In reaction to the statement by the representative that, for the first time, a woman had become regional director of secondary education and a woman had been appointed as university rector, members warned against the "token woman" syndrome. They said that experience in other countries had shown that the appointment of a "token woman" reinforced stereotypes, rather than improved the status of women.

23. Commenting on the lower school enrolment of girls and replying to questions as to whether any studies had been carried out to determine the causes for the high drop-out rate of girls from school, the representative explained through statistical data that the gap between girls and boys in school enrolment was gradually shrinking in the direction of attaining a gender balance. Whereas originally the school drop-out rate was higher for girls than for boys, especially in rural areas, that tendency had been almost reversed at all levels. Studies that had been undertaken on the subject gave as major reasons socio-economic and cultural factors in the rural areas. To alleviate that problem, school timetables had been changed, school aids had been introduced, schooling had been made mandatory from 6 to 16 years and non-compliance had been put under sanction. It was said that the need to promote equality of opportunities for children of both sexes in urban and rural areas had become one of the parameters for educational planning and infrastructure.

24. Referring to observations made about the high illiteracy rate, the representative said that one of the reasons for the high percentage of illiterate girls was that girls entered school later than boys. It was to be hoped that the school reform and the national programme that had been elaborated within the eighth development plan would achieve the targets set for reducing female illiteracy, particularly in the 18 to 29 age group. A national commission had been set up in collaboration with several ministries to monitor the programme.

Article 11

25. Comments were made about the low percentage of women's economic participation in the agricultural sector, and members asked whether efforts were

being made to give more importance to the informal sector. The representative stated that numerous studies showed the extent to which informal sector had contributed to the national economy, and it was also proved that women's contribution to the informal sector could reduce the negative effects of the structural adjustment plan. Forthcoming measures for that sector were an assistance fund for small rural enterprises, a sensitization campaign about family economy and the publication of a guidebook to instruct women about possibilities of credit.

26. Asked about any plans to explore the training possibilities for women in non-traditional jobs, the representative said that thanks to the current reform of professional training, women should get access to new vocational and professional qualifications, in particular in non-traditional fields. At the same time, the quality of training was improved in women's traditional fields.

27. Members inquired about plans to abolish the prohibition on night work for women.

Article 12

28. While commending the Government's efforts made in the area of family planning, members asked whether plans existed to expand the health coverage for women and girls. The representative confirmed the existence of such plans and programmes.

29. Asked whether a woman could decide to have an abortion or whether she needed the permission of her husband, the representative said that abortion was allowed under certain conditions and if it was carried out in a hospital by an authorized physician within the first three months of pregnancy. After that time abortion was allowed only for health reasons.

30. Further clarification was requested on women who allegedly suffered depression or hysteria as they sought to reconcile liberal education with traditional norms. The representative commented that those allegations were not supported by any reliable data and seemed to be part of the propaganda of fundamentalists.

Article 15

31. Members asked why the Government had entered a declaration on this article upon ratification of the Convention in so far as choice of residence and domicile by women was concerned, despite the entry into force of the Personal Status Code. The representative explained that the declaration had been made because articles 23 and 61 of the old Personal Status Code contradicted the provisions of the Convention. Since the amendment of the Code, the clause of "obedience" had been removed. Currently, the free choice of the woman's residence could only be curtailed in the light of her custody duties for a child of school age. Judges always took into consideration the child's interests as paramount.

Article 16

32. Members commended the Government on the progress made in the abolition of polygamy and the free choice of a husband, but they required more information and a real analysis of the de facto position of women in the family. Members were interested in knowing whether the national law of the country was the religious law as interpreted from the Koran, whether there was a separate secular law and what happened in cases of conflict. The representative explained that originally there had been no unified legal system. When Tunisia gained independence in 1956, the Sharia law and institutions had been reformed and one unified law applied to all Tunisians of any faith. Religious courts had been abolished, and the new Family Code of 1956 was applicable throughout. The amendment of the Personal Status Code gave women a better status in the family. The new family was founded on the concept of mutual respect and cooperation between the spouses in all family matters, including the education of their children, the obligation of women to contribute to family expenses and the abolition of the "obedience" clause. The legislation still preserved the husband as head of the family, but it was likely that as women gradually became more independent economically, the role of the husband as economic custodian would disappear. Another new provision was that women could get guardianship of their children after divorce.

33. In reply to a request for further explanation of the prohibition of polygamy, the representative said that one of the conditions for entering into a marriage was that the individual was free from any other marriage bond. Whoever infringed upon that provision was liable to sanction. Marriages had to be entered into the civil registry and customary law marriages and free unions were prohibited. The rights of children from free unions were protected through a system of judicial machinery.

34. Asked why the minimum age for marriage was different for girls and boys, the representative said that before the entry into force of the Family Code there was no minimum age at all. The current minimum ages were conditioned on mentality, traditions, education and access to the labour market.

35. In relation to questions raised about whether property acquired during marriage was equally shared between the spouses the representative explained that Tunisian law enshrined the separation of conjugal property. Each of the spouses maintained exclusive control over his or her property and was in charge of his or her debts. The spouses could, however, choose another system when they entered into marriage. While maintaining separation of the property that was brought into the marriage, the spouses could opt for community of property acquired during marriage. As that system was not generally known, it was rarely applied.

36. Members asked whether girls had the same rights to inherit as boys and whether the wife's right of inheritance from her deceased husband was equal to the husband's rights vis-à-vis his wife. The representative explained that the inheritance law was based on the Koran. Consequently, men inherited twice the share of women if they were equally related. It was to be hoped that with the evolution of the Tunisian society that inequality would be overcome.

37. Referring to the persistence of the institution of dowry the representative stated that it was maintained symbolically, in order not to break completely with the Muslim tradition. The amended Family Code, however, no longer contained a fixed amount.

38. Regarding questions about the possibility of inter-faith marriages, the representative said that a marriage of a Tunisian woman with a non-Muslim was possible only if the husband converted to Islam.

39. Asked about reservations entered by Tunisia upon ratification of the Convention on the Rights of the Child the representative said those reservations were similar to those with respect to the Convention on the Elimination of All Forms of Discrimination against Women.

40. Members asked what the reasons were for the reservation to article 16, paragraph 1 (c), whether it was socially accepted for a woman to live independently without a spouse, and who had the guardianship over children living outside the country, who were born in Tunisia to a foreign woman. They expressed concern at the non-recognition of free unions and inquired whether the Government was intending to ratify the Convention on the Civil Aspects of International Child Abduction.